

Applicants submit that the specification shows a siloxane film in FIG. 1(b) formed by performing the steps of Example 1. The Examiner does not dispute this fact. The Declarations clarify that both silica and the claimed siloxane film are silicon oxide films, on the basis of an elementary analysis of the films. Thus, silica and the siloxane film are substantially identical to each other in the compositions as described in the Declaration. The Examiner seems to dispute this fact without providing any evidence to the contrary. "An affidavit submitted to overcome a rejection is intended to be relied upon. ... [A]rguing that an affidavit submitted to persuade was defective as presenting only opinion, not fact, and that it should be discounted, qualifies only for a chutzpah award, not a reversal." *Refac International, Ltd. v. Lotus Development Corporation*, 81 F.3d 1576; 38 USPQ2d 1665 (Fed. Cir. 1996); citations omitted. Applicants respectfully submit that the Declarations should be relied upon as required under the law.

Furthermore, for purposes of clarification, Applicants submit that it might appear that the "silica" of the PPG patent (U.S. Pat. No. 5,328,768) is not a siloxane, but this is not correct, which a person of ordinary skill would clearly recognize. Though there is no description of the "silica" compositions in the specification of the PPG patent, it can be regarded that -OH is included in the surface. The -OH is formed as a result of a reaction with moisture in the air, and further bonded with perfluoroalkyl, thereby reinforcing the adhesive force. Without the -OH, the chlorosilane will not react since dehydrochlorination will not occur. Thus, the "silica" of the PPG patent is a siloxane.

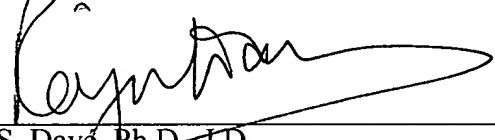
The above explanation clarifies that both the "silica" of the PPG patent and the siloxane film of this invention are silicon oxide films having substantially identical compositions. Furthermore, please note that the experiments in the Declaration were performed in accordance with the Board's Decision in Appeal No. 2001-1607. In particular, the experiments were done to determine the numbers of O atoms combined with Si atoms to demonstrate that both the "silica" of the PPG patent and the claimed siloxane film are silicon oxide films. Other elements (such as H) are not analyzed in the Declaration.

In light of the above clarification, Applicants request the withdrawal of the pending rejection.

In the event that the transmittal letter is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952, Ref. 356972000203.

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Respectfully submitted,



Raj S. Dave, Ph.D., J.D.
Registration No. 42,465

Morrison & Foerster LLP
1650 Tysons Boulevard
Suite 300
McLean, Virginia 22102
Telephone: (703) 760-7755
Facsimile: (703) 760-7777